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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: **09/811,823**
Filing Date: March 20, 2001
Appellant(s): RODRIGUEZ ET AL.

BOOZ-ALLEN & HAMILTON, INC.

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed *28 April 2008* appealing from the Office action, i.e., Final Rejection, mailed *28 November 2007*.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(8) Evidence Relied Upon

6,250,548 B1	McClure et al.	6-2001
6,311,190 B1	Bayer et al.	10-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-19, 23-40** are rejected under 35 U.S.C. §103(a) as being unpatentable over **U.S. Patent No. 6,250,548 B1** to McClure et al. (hereafter "McClure") in view of **U.S. Patent No. 6,311,190 B1** to Bayer et al. (hereafter "Bayer").

As per **claim 1**, McClure discloses a method for completing and submitting an electronic voter registration form and an electronic ballot over a network, comprising the steps of:

- transmitting a blank electronic ballot, upon request by the registered voter at a second computer, from the computer database that resides on the

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transaction repository server, via the transaction mediator, to the second computer (*i.e.*, *The voter returns to the jurisdiction's home page and selects the cast ballot option – McClure, col. 37, lines 4-5; The ballot style information supplied by the issue number allows the Internet voting software to retrieve the ballot style data [i.e., blank electronic ballot] from the database and display it on the screen for the voter – McClure, col. 37, lines 17-20*) (see Appendix A); and

- transmitting a voted electronic ballot from the second computer, via the transaction mediator, to the computer database that resides on the transaction repository server (*i.e.*, *Once the voter activates the cast ballot button, the executable code stored previously encrypts the resulting data using information from the identification file and transmits the data packet [i.e., including the voted ballot] to the Internet software host – McClure, col. 37, lines 26-29; After verifying valid switch positions, ... , the Internet software randomly saves the ballot image in a secure database ... – McClure, col. 37, lines 32-36*) (see Appendix A).

McClure et al., do not expressly disclose such a method comprising the steps of:

- transmitting a blank electronic registration form, upon request at a first computer, via a transaction mediator, to the first computer; and
- transmitting registration information from the first computer, via the transaction mediator, to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter;

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Bayer, however, suggests a method for completing and submitting an electronic voter registration form and an electronic ballot over a network, comprising the steps of:

- transmitting a blank electronic registration form, upon request at a first computer, via a transaction mediator, to the first computer (*i.e.*, ***“The system allows voters, or other registrants, to register at one of the registration campaigns at the registration site, which may be linked to a voting campaign, by constructing a registration questionnaire based on the registration information stored in the database, and sending the questionnaire in a registration form page in the voter's language to the voter to complete and return to the network server for storage of the voter's registration data”*** – ***Bayer, Abstract: the last sentence, col. 29 line 64 – col. 30 line 8***) (see Appendix A); and
- transmitting registration information from the first computer, via the transaction mediator, to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter (*i.e.*, ***“The system allows voters, or other registrants, to register at one of the registration campaigns at the registration site, which may be linked to a voting campaign, by constructing a registration questionnaire based on the registration information stored in the database, and sending the questionnaire in a registration form page in the voter's language to the voter to complete and return to the network server for storage of the voter's registration data”*** – ***Bayer, Abstract: the last sentence, col. 30 lines 8-47***) (see Appendix A),

to establish a registered voter over the network/Internet.

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Therefore, it would have been obvious to and motivated by an ordinary skill in the art at the time the invention was made to modify a method for completing and submitting an electronic voter registration form and an electronic ballot over a network as disclosed by McClure to include “***transmitting a blank electronic registration form, upon request at a first computer, via a transaction mediator, to the first computer; and transmitting registration information from the first computer, via the transaction mediator, to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter***” as suggested by Bayer to establish a registered voter over the network since the claimed invention is merely a combination of old elements, and in the combination, each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claim 2**, McClure v. Bayer disclose the method of claim 1, comprising:

- establishing at least one computer database on the transaction repository server that contains information associated with at least one of a voter registration status of a citizen and an electronic ballot status (i.e., *the voter registration database – McClure, col. 9, lines 29-33, the tallying and reports databases – McClure, col. 9, lines 47-49, all of which, of course, reside on servers*);
- requesting a status at the first computer from the transaction repository server (*i.e., once the voter completes the Internet vote request and the jurisdiction is*

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notified, through their home page, that the request has been made – McClure, col. 36, lines 40-42, it is understood that the voter is awaiting/requesting a status of the registration);

- determining a status message in response to the step of requesting by examining the at least one computer database (*i.e., Electronic officials verify the information supplied by the voter and approve the assignment of an “issue number” for the voter – McClure, col. 36, lines 59-61*); and
- transmitting the status message from the transaction repository server to the first computer (*i.e., The issue number [understood as the status] is electronically sent to the voter via the Internet to the address supplied by the voter and defines the proper ballot style for the voter – McClure, col. 36, lines 61-63*).

As per **claims 3, 22, and 47**, McClure v. Bayer disclose the method and system of claims 2, 20, and 46, respectively, wherein the voter registration status of the citizen and the electronic ballot status are verified (*i.e., A valid issue number is required to gain access to the cast ballot option ... Given a valid issue number, the identification file [contains voter’s identification information] is verified as **legitimate/eligible/legal/valid**, and the voter gains access to the cast ballot selection – McClure, col. 37, lines 5-15; After verifying valid switch positions [which are equivalent to the voter’s responses], as indicated for the voter’s ballot style, the Internet software randomly saves the ballot image in a secure database ... – McClure, col. 37, lines 32-36*).

As per **claims 4 and 44**, McClure v. Bayer disclose the method/system of claims 1 and 41, respectively, wherein the network includes:

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- an encrypted communication channel between at least one of the first and second computer and the transaction mediator, and an encrypted communication channel between the transaction mediator and the transaction repository server (*i.e., The standard communication protocols employed provide further protection and include Secure Sockets Layer (SSL) protocol [is cryptographic protocols which provide secure communications on the Internet – Wikipedia Encyclopedia] - a common feature in popular Internet access software/browsers, and Secure Multi-purpose Internet Mail [S/MIME] – McClure, col. 35, lines 52-67; col. 36, lines 1-9).*

As per **claims 5 and 45**, McClure v. Bayer disclose the method and system of claims 1 and 41, respectively, wherein the registration information includes at least one descriptive element associated with a citizen (*i.e., ... the voter may be required to provide additional information such as sworn statements, driver's license, or birth certificate – McClure, col. 36, lines 24-27).*

As per **claims 6, 27, and 36**, McClure v. Bayer disclose the method of claims 1, 23, and 32, respectively, wherein the step of transmitting registration information comprises:

- entering the registration information (*i.e., The voter completes the Internet vote request/registration form – McClure, col. 36, line 40*); and
- digitally signing the registration information using a private key of a public-private key pair, wherein the public-private key pair is generated using an asymmetric cryptographic function, wherein a public key of the public-

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private key pair is associated with a cryptographic identification of a citizen, and wherein the public-private key pair and the cryptographic identification are created prior to transmitting the registration information (*i.e.*, *The software provides a "firewall" function, encryption/decryption, digital signing, and support of secure communication protocols – McClure, col. 35, lines 62-64. ... The encryption/decryption and digital signature capability is used to encrypt data prior to transmission and decrypt received data. ... The digital signature capability is used to authenticate data that is both transmitted and received – McClure, col. 36, lines 1-6).*

As per **claims 7 and 14**, McClure v. Bayer disclose the method of claims 6 and 13, respectively, wherein the step of transmitting registration information comprises:

- erasing from the first computer information associated with the registration information once the registration information has been transmitted (*i.e.*, *The voter's PIN would be required to access [i.e., log in to] the voting option of the Web page, ... , and submits a request/registration to vote – McClure, col. 36, lines 29-33. This implies that once the voting registration information has been transmitted to the jurisdiction, the voter would log-off the web site; thus, automatically erasing/clearing such information from his/her computer screen).*

As per **claims 8 and 15**, McClure v. Bayer disclose a method of claims 6 and 13, respectively, wherein the step of transmitting registration information comprises:

- verifying the digital signature using the public key of the public-private key pair (*by Digital Signature Standard, a public-key cryptographic standard issued*

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*in 1994 by the United States Nat'l Institute of Standards and Technology (NIST) to authenticate electronic documents. The DSS uses a Digital Signature Algorithm (DSA) to generate and verify digital signatures based on a public key, which is not secret, and a private key, which is known or held only by the person generating the signature. A digital signature serves to authenticate both the identity of the signer and the integrity of the transmitted information – **Microsoft Computer Dictionary, fifth edition**).*

As per **claims 9, 28 and 37**, McClure v. Bayer disclose the method of claims 6, 27 and 36, respectively, wherein the public-private key pair and the cryptographic identification can be used by the citizen with respect to a plurality of electronic transactions (*see citation given in claim 8 above*).

As per **claim 10**, McClure v. Bayer disclose the method of claim 1, wherein the step of transmitting registration information comprises:

- approving or denying a voting registration request at the computer database based on the registration information of a citizen (*i.e., Election officials verify the information supplied by the voter and approve the assignment of an 'issue number' [for the voting registration request] for the voter – **McClure, col. 36, lines 59-61***).

As per **claims 11, 24 and 34**, McClure v. Bayer disclose the method of claims 1, 23, and 33, respectively, wherein the second computer is the first computer since registration and voting computers are client computers, thus are the same (*understood*).

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As per **claims 12, 29 and 38**, McClure v. Bayer disclose the method of claims 1, 26 and 33, respectively, wherein the step of transmitting a blank electronic ballot comprises:

- digitally signing the blank electronic ballot using a private key of a public-private key pair, wherein the public-private key pair is generated using an asymmetric cryptographic function, wherein a public key of the public-private key pair is associated with a cryptographic identification of an operator of the transaction repository server, and wherein the public-private key pair and the cryptographic identification are created prior to transmitting the blank electronic ballot (*i.e., The digital signature capability is used to authenticate data that is both transmitted and received – col. 36, lines 4-6. This implies a blank electronic ballot is digitally signed [by means of digital signature] using a private key of a public-private key pair [by Digital Signature Standard] prior to transmission*); and
- transmitting a public key of a public-private key pair of the transaction repository server (*inherently included*).

As per **claims 13, 30 and 39**, McClure v. Bayer disclose the method of claims 1, 23 and 35, respectively, wherein the step of transmitting a voted electronic ballot comprises:

- executing the blank electronic ballot (*i.e., Once the voter activates the cast ballot button ... – McClure, col. 37, line 26*);

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- encrypting the voted electronic ballot using a symmetric cryptographic function and a symmetric key that is randomly generated by the second computer (*i.e., Once the voter activates the cast ballot button, the executable code stored previously encrypts the resulting/voted data using information from the identification file [which is created with data supplied by the Internet software and random information about the voter's computer – McClure, col. 36, lines 46-48] ... – McClure, col. 37, lines 26-29*);
- encrypting the symmetric key using a public key of a public-private key pair of the transaction repository server (*understood by the public-key encryption standard*); and
- digitally signing the encrypted voted electronic ballot and the encrypted symmetric key using a private key of a public-private key pair, wherein the public-private key pair is generated using an asymmetric cryptographic function, wherein a public key of the public-private key pair is associated with a cryptographic identification of the registered voter, and wherein the public-private key pair and the cryptographic identification are created prior to transmitting the voted electronic ballot (*i.e., The digital signature capability is used to authenticate data that is both transmitted and received – McClure, col. 36, lines 4-6. This implies an encrypted voted electronic ballot is digitally signed [by means of digital signature] using a private key of a public-private key pair [by Digital Signature Standard] prior to transmission*).

As per **claim 16**, McClure v. Bayer disclose the method of claim 13, comprising:

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- reconciling transmitted voted electronic ballots by an operator of the transaction repository server to establish the validity of each transmitted voted electronic ballot (*i.e., The Internet software, secure behind the firewall, decrypts the transmission and converts the responses of the voter into equivalent switch positions for the voting tablet. After verifying valid switch positions, ... , the Internet software randomly saves the ballot image in a secure database and flags the issue number as no longer valid – McClure, col. 37, lines 30-36*).

As per **claim 17**, McClure v. Bayer disclose the method of claim 16, comprising:

- separating a plurality of valid encrypted voted electronic ballots into groups based on at least one characteristic (*i.e., The interface with the voter during the voting process can occur in any language. The jurisdiction can provide different languages simply by the voter selecting their language of choice at the beginning of the voting process – McClure, col. 37, lines 39-42. This is understood as automatically separating a plurality of valid encrypted voted electronic ballots by languages*);
- stripping the digital signature and the cryptographic identification of the registered voter from each group of valid encrypted voted electronic ballots (*i.e., The Internet software, secure behind the firewall, decrypts/strips the transmission [which, as understood, includes the digital signature and the cryptographic identification of the registered voter] and converts the responses of the voter into equivalent switch positions for the voting tablet – McClure, col. 37, lines 30-32*); and

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- randomly mixing within each group the separated encrypted voted electronic ballots (*i.e., After verifying valid switch positions, ... , the Internet software randomly saves the ballot image in a secure database and flags the issue number as no longer valid – McClure, col. 37, lines 32-36*).

As per **claim 18**, McClure v. Bayer disclose the method of claim 17, wherein the at least one characteristic is a type of voted electronic ballot (*i.e., The interface with the voter during the voting process can occur in any language. The jurisdiction can provide different languages simply by the voter selecting their language of choice at the beginning of the voting process – McClure, col. 37, lines 39-42. This is understood as automatically separating a plurality of valid encrypted voted electronic ballots by languages*).

As per **claims 19, 31 and 40**, McClure v. Bayer disclose the method of claims 17, 30 and 39, respectively, comprising:

- decrypting the encrypted symmetric key of each separated voted electronic ballot using a private key of the public-private key pair of the transaction repository server (*i.e., The Internet software, secure behind the firewall, decrypts/strips the transmission [which, as understood, includes the digital signature and the cryptographic identification of the registered voter, the encrypted key, etc.] and converts the responses of the voter into equivalent switch positions for the voting tablet – McClure, col. 37, lines 30-32*);
- decrypting the encrypted voted electronic ballot using the symmetric key to recover the voted electronic ballot (*i.e., The Internet software, secure behind the firewall, decrypts/strips the transmission [which, as understood, includes the*

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digital signature and the cryptographic identification of the registered voter, the encrypted key, the encrypted voted electronic ballot itself, etc.] and converts the responses of the voter into equivalent switch positions for the voting tablet. After verifying valid switch positions, as indicated for the voter's ballot style, the Internet software randomly saves the ballot image in a secure database ... – McClure, col. 37, lines 30-36); and

- *printing the voted electronic ballot (i.e., This data is the sum of all voting tablets 56 and can immediately provide unofficial results for that precinct 48 by use of a precinct printer – McClure, col. 44, lines 6-9).*

As per **claims 23 and 32**, McClure discloses a method for completing and submitting an electronic voter registration form and an electronic ballot transmitted over a network, comprising the steps of:

- *transmitting a voted electronic ballot from a second computer to the computer database that resides on the transaction repository server (i.e., Once the voter activates the cast ballot button, the executable code stored previously encrypts the resulting data using information from the identification file and transmits the data packet [i.e., including the voted ballot] to the Internet software host – McClure, col. 37, lines 26-29; After verifying valid switch positions, ... , the Internet software randomly saves the ballot image in a secure database ... – McClure, col. 37, lines 32-36).*

McClure et al., do not expressly disclose such a method comprising the steps of:

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- transmitting a blank electronic registration form, upon request at a first computer, to the first computer; and
- transmitting registration information from a first computer to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter; and

Bayer et al., however, suggest a method for completing and submitting an electronic voter registration form and an electronic ballot over a network, comprising the steps of:

- transmitting a blank electronic registration form, upon request at a first computer, to the first computer (*i.e.*, ***“The system allows voters, or other registrants, to register at one of the registration campaigns at the registration site, which may be linked to a voting campaign, by constructing a registration questionnaire based on the registration information stored in the database, and sending the questionnaire in a registration form page in the voter's language to the voter to complete and return to the network server for storage of the voter's registration data”*** – ***Bayer, Abstract: the last sentence, col. 29 line 64 – col. 30 line 8***);
- transmitting registration information from the first computer, to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter (*i.e.*, ***“The system allows voters, or other registrants, to register at one of the registration campaigns at the registration site, which may be linked to a voting campaign, by constructing a***

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registration questionnaire based on the registration information stored in the database, and sending the questionnaire in a registration form page in the voter's language to the voter to complete and return to the network server for storage of the voter's registration data” – Bayer, Abstract: the last sentence, col. 30 lines 8-47);

to establish a registered voter over the network/Internet.

Therefore, it would have been obvious to and motivated by an ordinary skill in the art at the time the invention was made to modify a method for completing and submitting an electronic voter registration form and an electronic ballot over a network as disclosed by McClure to include “**transmitting a blank electronic registration form, upon request at a first computer to the first computer; and transmitting registration information from the first computer, to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter**” as suggested by Bayer et al. to establish a registered voter over the network since the claimed invention is merely a combination of old elements, and in the combination, each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claim 25**, McClure v. Bayer et al. disclose the method of claim 23, comprising:

- transmitting a blank electronic registration form, upon request at a first computer, to the first computer (*i.e.*, “**The system** allows voters, or other

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registrants, to register at one of the registration campaigns at the registration site, which may be linked to a voting campaign, by constructing a registration questionnaire based on the registration information stored in the database, and sending the questionnaire in a registration form page in the voter's language to the voter to complete and return to the network server for storage of the voter's registration data” – Bayer, Abstract: the last sentence, col. 29 line 64 – col. 30 line 8);

As per **claims 26 and 33**, McClure v. Bayer disclose the method of claims 25 and 32, respectively, comprising:

- transmitting a blank electronic ballot, upon request by the registered voter at the second computer, from the computer database that resides on the transaction repository server to the second computer (*i.e., The voter returns to the jurisdiction's home page and selects the cast ballot option – McClure, col. 37, lines 4-5; The ballot style information supplied by the issue number allows the Internet voting software to retrieve the ballot style data [i.e., blank electronic ballot] from the database and display it on the screen for the voter – McClure, col. 37, lines 17-20).*

As per **claim 35**, McClure v. Bayer disclose the method of claim 33, comprising:

- transmitting a voted electronic ballot from the second computer to the computer database that resides on the transaction repository server (*i.e., Once the voter activates the cast ballot button, the executable code stored previously encrypts the resulting data using information from the identification*

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file and transmits the data packet [i.e., including the voted ballot] to the Internet software host – McClure, col. 37, lines 26-29; After verifying valid switch positions, ... , the Internet software randomly saves the ballot image in a secure database ... – McClure, col. 37, lines 32-36).

Claim Rejections - 35 USC §102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **20-22, 41-47** are rejected under 35 U.S.C. §102(e) as being anticipated by **U.S. Patent No. 6,250,548 B1** to McClure et al. (hereafter “McClure”).

As per **claim 20**, McClure discloses a method for verifying at least one of a voter registration status and an electronic ballot status in a voting system, comprising the steps of:

- establishing at least one computer database on a transaction repository server that contains information associated with at least one of the voter

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registration status of a citizen and the electronic ballot status (i.e., *the voter registration database – McClure, col. 9, lines 29-33, the tallying and reports databases – McClure, col. 9, lines 47-49, all of which, of course, reside on servers*);

- receiving, from a first computer connected to a computer network, a citizen's request regarding status of at least one of the citizen's voter registration and the citizen's electronic ballot status (i.e., *"Once registered, the voter submits a request to vote" – McClure, col. 36 lines 30-33. By doing this, the voter implicitly & inherently initiates a request for a status of his/her voting registration/eligibility, which is then determined/verified/approved with the assignment of an Issue number [see McClure, col. 33 lines 22-47 for more info.] for the voter to be able to cast one and only one ballot – McClure, col. 36 lines 59-67. The voting registration/eligibility is further shown in "The voter returns to the jurisdiction's home page, selects the cast ballot option ... Given a valid issue no., the id file is verified as legitimate/eligible/legal/valid, and the voter gains access to the cast ballot selection" – McClure, see at least col. 37 lines 4-15, col. 42 lines 36-59*);
- determining a status message in response to the step of receiving by examining the at least one computer database (i.e., *Electronic officials verify the information supplied by the voter and approve the assignment of an "issue number" for the voter – McClure, col. 36, lines 59-61*); and

- transmitting the status message from the transaction repository server to the first computer over the computer network (*i.e., The issue number [understood as the status] is electronically sent to the voter via the Internet to the address supplied by the voter and defines the proper ballot style for the voter – McClure, col. 36, lines 61-63*).

As per **claim 21**, McClure discloses the method of claim 20, wherein a transaction mediator communicates information between the first computer and the transaction repository server (*i.e., as understood, the Internet voting software/browser [as a transaction mediator] transmits and receives [communicates] information between the voter's computer and the Internet voting software host/server*).

As per **claim 41**, McClure discloses a system for completing and submitting an electronic voter registration form and an electronic ballot over a network, comprising:

- a transaction repository server for transmitting a blank electronic ballot to a first computer (*i.e., the Internet voting software host/server, on which the Internet voting software resides, allows the software to retrieve the ballot style data [understood as a blank electronic ballot] from the database and display it on the screen for the voter – McClure, col. 37, lines 18-20*);
- a computer database, accessible by the transaction repository server, for storing the blank electronic ballot (*i.e., the Internet voting software host/server, on which the Internet voting software resides, allows the software to retrieve the ballot style data [understood as a blank electronic ballot] from the database and display it on the screen for the voter – McClure, col. 37, lines 18-20*); and

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- a transaction mediator for communicating information between the transaction repository server and the first computer, the transaction mediator being operative to transmit registration information from the first computer to the computer database to establish a registered voter (*i.e., the Internet voting software such as browsers* – **McClure, col. 36, lines 30-35**).

As per **claim 42**, McClure discloses the system of claim 41, wherein the transaction mediator is operative to transmit the voted electronic ballot from the first computer to the computer database (*i.e., the Internet voting software such as browsers transmits the data packet [which includes encrypted voted electronic ballot] to the Internet software host/server* – **McClure, col. 37, lines 26-29**).

As per **claim 43**, McClure discloses the system of claim 42, wherein the first computer comprises multiple computers (*i.e., The subsystem 46 at each of the precincts 48 includes ... a network of voting stations/computers 52, ...* – **McClure, col. 7, lines 41-44**).

As per **claim 46**, McClure discloses a system for verifying at least one of a voter registration status and all electronic ballot status in a voting system, comprising:

- a first computer connected to a computer network by which a citizen can request at least one of the citizen's voter registration status and the citizen's electronic ballot status from a transaction repository server (*i.e., "Once registered, the voter submits a request to vote"* – **McClure, col. 36 lines 30-33. By doing this, the voter implicitly & inherently initiates a request for a status of his/her voting registration/eligibility, which is then**

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*determined/verified/approved with the assignment of an Issue number [see McClure, col. 33 lines 22-47 for more info.] for the voter to be able to cast one and only one ballot – McClure, col. 36 lines 59-67. The voting registration/eligibility is further shown in “The voter returns to the jurisdiction’s home page, selects the cast ballot option ... Given a valid issue no., the id file is verified as **legitimate/eligible/legal/valid**, and the voter gains access to the cast ballot selection” – McClure, col. 37 lines 4-15, col. 42 lines 36-50); and*

- at least one computer database, accessible by the transaction repository server, for containing information associated with at least one of the voter registration status of a citizen and the electronic ballot status (i.e., *the voter registration database – McClure, col. 9, lines 29-33, the tallying and reports databases – McClure, col. 9, lines 47-49, all of which, of course, accessible by the Internet voting software host/server*);
- the transaction repository server being operative for determining a status message in response to the status request by examining the at least one computer database, and for transmitting the status message to the first computer (i.e., *the Internet voting software host/server – McClure, col. 37, line 29*).

(10) Response to Argument

Argument No. 1:

“The Examiner has failed to establish a prima facie case of obviousness in rejecting claims 1-19 and 23-40 under 35 U.S.C. 103(a) over U.S. Patent No. 6,250,548

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(McClure et al.) in view of U.S. Patent No. 6,311,190 (Bayer et al.). Specifically, the prior arts taken individually or in combination thereof fail to teach or suggest all elements of claim 1, i.e., they fail to teach:

- *transmitting a blank electronic registration form, upon request at a first computer, via a transaction mediator, to the first computer; and*
- *transmitting registration information from the first computer, via the transaction mediator, to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter."*

Response No. 1:

The Office respectfully disagrees because McClure discloses a method for completing and submitting an electronic voter registration form and an electronic ballot over a network, including the steps of:

- transmitting a blank electronic ballot, upon request by the registered voter at a second computer, from the computer database that resides on the transaction repository server, via the transaction mediator, to the second computer (*please see the 103 rejection above for details*); and
- transmitting a voted electronic ballot from the second computer, via the transaction mediator, to the computer database that resides on the transaction repository server (*please see the 103 rejection above for details*);

However, McClure fails to disclose the steps of:

- *"transmitting a blank electronic registration form, upon request at a first computer, via a transaction mediator, to the first computer; and*

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- *transmitting registration information from the first computer, via the transaction mediator, to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter;”*

Bayer teaches a method for completing and submitting an electronic voter registration form and an electronic ballot over a network, including the steps of:

- transmitting a blank electronic registration form, upon request at a first computer, via a transaction mediator, to the first computer (*i.e.*, “***The system*** allows voters, or other registrants, to register at one of the registration campaigns at the registration site, which may be linked to a voting campaign, by constructing a registration questionnaire based on the registration information stored in the database, and sending the questionnaire in a registration form page in the voter’s language to the voter to complete and return to the network server for storage of the voter’s registration data” – **Bayer, Abstract: the last sentence, col. 29 line 64 – col. 30 line 8**) (see Appendix A); and
- transmitting registration information from the first computer, via the transaction mediator, to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter (*i.e.*, “***The system*** allows voters, or other registrants, to register at one of the registration campaigns at the registration site, which may be linked to a voting campaign, by constructing a registration questionnaire based on the registration information stored in the database, and sending the questionnaire in

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a registration form page in the voter's language to the voter to complete and return to the network server for storage of the voter's registration data” –

Bayer, Abstract: the last sentence, col. 30 lines 8-47) (see Appendix A),

to establish a registered voter over the network/Internet.

Therefore, it would have been obvious to and motivated by an ordinary skill in the art at the time the invention was made to modify a method for completing and submitting an electronic voter registration form and an electronic ballot over a network as disclosed by McClure to include “***transmitting a blank electronic registration form, upon request at a first computer, via a transaction mediator, to the first computer; and transmitting registration information from the first computer, via the transaction mediator, to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter***” as suggested by Bayer to establish a registered voter over the network since the claimed invention is merely a combination of old elements, and in the combination, each claimed element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Hence, the Office has established the Graham factual inquiries, i.e., a prima facie case of obviousness in rejecting such claims.

Furthermore, the Office notices that the Appellants’ argument of establishing voter registration is a prerequisite to vote is not in the claims.

Argument No. 2:

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“The Examiner has failed to establish whether claims 20-22 and 41-47 are properly rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,250,548 (McClure et al.). Specifically, Appellants contend that McClure does not teach or suggest *receiving, from a first computer connected to a computer network, a **citizen’s request regarding status** of at least one of the citizen’s voter registration and the citizen’s electronic ballot status*”.

Response No. 2:

The Office respectfully disagrees because as per claim 20, McClure discloses a method for verifying at least one of a voter registration status and an electronic ballot status in a voting system, comprising the step of:

- receiving, from a first computer connected to a computer network, **a citizen’s request regarding status** of at least one of the citizen’s voter registration and the citizen’s electronic ballot status (*i.e., “Once registered, the voter [i.e., citizen – it is old and well-known that one of the requirements or eligibility for an individual to register to vote and/or cast a ballot is the individual must be a U.S. citizen and/or a registered voter, respectively] submits a request to vote” – McClure, col. 36 lines 30-33. By doing this, the voter implicitly & inherently initiates a request for a **status** of his/her **voting registration and/or eligibility**, which is then determined/verified/approved with the assignment of an Issue number [see **McClure, col. 33 lines 22-47** for more info.] for the voter to be able to cast one and only one ballot – McClure, col. 36 lines 59-67. The voter’s voting registration/eligibility is further shown in “The voter returns to the*

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*jurisdiction's home page, selects the cast ballot option ... Given a valid issue no., the id file is verified as **legitimate/eligible/legal/valid**, and the voter gains access to the cast ballot selection ...” – McClure, see at least col. 37 lines 4-15.*

Furthermore, as the voter requests to vote, the voter has been verified [by the TNC 50] that he/she has not already voted [i.e., the citizen implicitly and inherently requests for a status of an electronic ballot], ...” – McClure, see at least col. 42 lines 36-59).

Thus, the Office believes the claims 20-22 and 41-47 are properly rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,250,548 (McClure et al.).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Examiner, Art Unit 3621

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621

Conferees:

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Appendix A

Claim 1 and U.S. Patent No. **6,250,548 B1 (McClure et al.**; hereafter “McClure”) in view of U.S. Patent No. **6,311,190 B1 (Bayer et al.**; hereafter “Bayer”)

A method for completing and submitting an electronic voter registration form and an electronic ballot over a network, comprising the steps of:

Clause No.	Claim Features	McClure in view of Bayer
1	transmitting a blank electronic ballot, upon request by the registered voter at a second computer, from the computer database that resides on the transaction repository server, via the transaction mediator, to the second computer;	<i>i.e., The voter returns to the jurisdiction's home page and selects the cast ballot option – McClure, col. 37, lines 4-5; The ballot style information supplied by the issue number allows the Internet voting software to retrieve the ballot style data {i.e., blank electronic ballot} from the database and display it on the screen for the voter – McClure, col. 37, lines 17-20;</i>
2	transmitting a voted electronic ballot from the second computer, via the transaction mediator, to the computer database that resides on the transaction repository server;	<i>i.e., Once the voter activates the cast ballot button, the executable code stored previously encrypts the resulting data using information from the identification file and transmits the data packet [i.e., including the voted ballot] to the Internet software host – McClure, col. 37, lines 26-29; After verifying valid switch positions, ... , the Internet software randomly saves the ballot image in a secure database ... – McClure, col. 37, lines 32-36;</i>
3	transmitting a blank electronic registration form, upon request at a first computer, via a transaction mediator, to the first computer;	<i>i.e., “The system allows voters, or other registrants, to register at one of the registration campaigns at the registration</i>

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		<i>site, which may be linked to a voting campaign, by constructing a registration questionnaire based on the registration information stored in the database, and sending the questionnaire in a registration form page in the voter's language to the voter to complete and return to the network server for storage of the voter's registration data” – Bayer, Abstract: the last sentence, col. 29 line 64 – col. 30 line 8;</i>
4	transmitting registration information from the first computer, via the transaction mediator, to a computer database that resides on a transaction repository server, all of which are networked together, to establish a registered voter;	<i>i.e., “The system allows voters, or other registrants, to register at one of the registration campaigns at the registration site, which may be linked to a voting campaign, by constructing a registration questionnaire based on the registration information stored in the database, and sending the questionnaire in a registration form page in the voter's language to the voter to complete and return to the network server for storage of the voter's registration data” – Bayer, Abstract: the last sentence, col. 30 lines 8-47.</i>